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| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 09/287,478 | Applicant(s) RODE, CHRISTIAN STIG | |
| | Examiner Thai Phan | Art Unit 2128 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 19 September 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Thai Phan/
Primary Examiner, Art Unit 2128

Continuation of 10. Other (including any explanation in support of the above items): On pages 8 and 9 of the appeal, appellant's informal comments are not related to the claims and the rejection of the claims before and during the prosecution. Such comments should not be included in the appeal to make the argument concise for each ground of rejection. The Brief should contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

On pages 12-13 of the appeal, under section G, appellant argued Lawman reference was customer of Rode consulting, comments on Xilinx's site and Xilinx's Webmaster were inappropriate in the Brief. The examiner reminded the final rejected was not involved to the Xilins' citation and Webmaster as well. In Ground 5, on page 12, the examiner was unable to follow Appellant's arguments.

On page 18, under section (6B), appellant argued the things happened in Xilinx and between Xilinx and applicant, the examiner reminded such arguments was not present in the rejection and not related to the Office Action taken before. The appellant should remove such argument from the Brief. Appellant is required to submit a new Appeal Brief without arguments unrelated to the final rejection. The request to consider the IDS statement will be considered as long as it complies with 37 CFR 1.97(d).

On pages 15-17, the appellant kept saying Lawson (5,950,201) which was not cited in the Final rejection as argument. On page 18, appellant argued Lawman patent does not work by simply pointing to Xilinx document. It lacked of scientific evidence and was beyond the examiner rejection in the Final Office Action. On page 26, appellant provided a lot of references which were never relied in the rejection and supported for his invention. Appellant's argument should contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.